



To: FHWA Docket No. 2001-10370  
U.S. Department of Transportation  
Dockets Management Facility  
Room PL-401  
400 Seventh Street, S.W.  
Washington, D.C. 20590

From: Recreational Vehicle Industry Association  
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P. O. Box 2999  
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Date: September 27, 2002

## **1. Introduction**

The Recreation Vehicle Industry Association (RVIA) is a national trade association representing recreation vehicle (RV) manufacturers and their component part suppliers who together build 98 percent of all RVs produced in the United States. RVIA supports the Federal Highway Administration's (FHWA) notice of proposed rulemaking (NPRM) to remove RVs from consideration as a commercial motor vehicle. This positive change would allow RVs with incidental appurtenances that do not pose a safety hazard but which cause the vehicle to exceed commercial width limitations to avoid a burdensome overwide permitting process.

We believe that it would have been appropriate, and an efficient use of the FHWA's resources, for the agency to exclude recreation vehicle retractable shade awnings from the commercial measurement of RV width in the notice of proposed rulemaking on length and width exclusive devices published on August 18, 2002, at 65 FR 50471 (Docket No. FHWA- 1997-2234). RVIA would draw the FHWA's attention to our submission to that docket. Now, for the same reasons articulated in 2000, we applaud the FHWA for proceeding with a proposal to amend the commercial motor vehicle definition and sections of the accompanying regulation to exclude RVs from the requirement to obtain over-width permits for the limited time the RV is considered commercial.

RVIA believes that removal of RVs from consideration as a commercial vehicle is warranted, both by the special factual circumstances that surround this issue and for public policy reasons. The proposal would:

- have a de minimus effect as there are only a small number of units involved
- remove an administrative burden on the states and industry;

- not threaten state infrastructure concerns;
- not present a safety concern; and
- help reduce state and industry compliance costs.

In addition, making awnings a dealer installed option to avoid the commercial transport problem is not a viable solution.

## 2. **Special Factual Circumstances Warranting a RV Appurtenance Exception**

First, recreation vehicles are designed for personal use, not commercial use. However, as noted in the NPRM, for the short period of time and the limited number of miles when RVs are transported from the manufacturer to the dealer or to recreation vehicle shows, the vehicles are considered “commercial motor vehicles” (CMV) and subjected to CMV regulations. This regulatory result was not likely contemplated by the states and/or FHWA.

Some recreation vehicles may have certain incidental appurtenances, such as retractable awnings, that cause the vehicle to exceed the width limitation and trigger the federally imposed state permit requirement. The types of RVs which may exceed 102 inches with awnings are included in Attachment A.

Twenty four states have enacted legislation to exclude from state maximum width laws, retractable awnings and incidental appurtenances on RVs. A list of states that have exempted RV appurtenances is included in Attachment B. Despite the best efforts of these states to accommodate recreation vehicle owners, the states, as well as recreation vehicle manufacturers and dealers, are still faced with executing the federally mandated state statewide permit process to address the commercial transport of these same vehicles. These points are discussed in more detail below.

### a. Recreation Vehicles are Personal Use Vehicles with a Commercial Designation for Only Hours or Days in the Vehicle’s Life

RVs are designed for personal use, not commercial use. The units are personal vehicles except for the short period of transport from a manufacturer to a dealer or to and from a RV show. Once sold to a retail customer, RVs with awnings and other incidental appurtenances, that in combination exceed 102 inches, become personal vehicles for travel on the National Network and connecting routes. Because the same vehicle is in commercial use for such limited circumstances, the permit requirement is particularly burdensome.

### b. The Number of Miles an RV Travels as a Commercial Motor Vehicle Versus the Number of Miles it Travels as a Personal Use Vehicle is De minimus

Due to the fact that an RV is only a CMV while it’s driven to the retailing dealer or to and from a show, the number of miles it travels while a CMV is negligible. This is especially true in comparison to the number of miles the same RV (still

equipped with the same awning(s) and other incidental appurtenances) travels as a personal use RV not subject to federal CMV overwidth permit requirements. For example, in 1999 a top ten motor home manufacturer located in the center of the USA with only one plant location nationwide, reported that of the 11,095 Type A and C motorhomes they transported, the average number of commercial miles driven per motor home was 1,213 miles.

A top ten RV trailer manufacturer not quite as centrally located but with multiple plant locations reported that in the same year (1999), they transported 13,022 RV trailers an average of 689 commercial miles.

c. Recreation Vehicles are Often Transported as Individual Units

Recreation vehicles are often transported individually, either by a driver in the case of motorhomes or by a tow vehicle (usually a pickup truck) in the case of travel trailers and fifth wheel trailers. Thus, not only are 102 inch wide RVs deemed commercial for only a short period in the vehicle's life, but they are also transported individually and bear no difference from personal use RVs on the road.

To understand the significance of this point, it is important to underscore the unique regulatory situation the RV industry finds itself in today. Two identical RVs can be traveling down the road, each with *two* 6-inch awnings attached to either side of the vehicle. The awnings cause the overall width of the unit to exceed 102 inches. The motor home, traveling from the manufacturer to the dealer, is considered a commercial motor vehicle and according to federal law must have an overwidth permit. The other identical RV driven by a private citizen is considered a personal use vehicle and states are free to allow it to travel without a permit.

d. The Overwide Permitting Process for RVs Creates a Burden on States

In the absence of a federal RV appurtenance exception, states and industry will continue to experience the administrative burden of a permit process, yet realize little, if any, safety benefit. In short, the industry believes that while it can seek individual state overwide permits, the cost and administrative burden of securing permits case-by-case is, as a practical matter, a burden on the resources of states and manufacturers.

Many of the states that have addressed the width issue are incredulous to learn that even if they change their state's maximum width law, federal law will still require them to issue overwidth permits for certain RVs being delivered to dealerships or shows. RVIA can only surmise that it is the idea of issuing a permit for a vehicle they clearly perceive to be a personal use vehicle, as well as the incongruity of doing so only for the first day or two of that vehicle's life, that causes this reaction.

### 3. **Policy Rationale for Exempting RVs from Commercial Vehicle Definition**

There are several public policy reasons for supporting RVIA's proposal to remove RVs from consideration as a CMV.

#### a. **Issuing Permits Imposes an Administrative Burden on States and Industry**

Recreation vehicles are CMVs for only a brief period of the vehicle life – when transported from the manufacturer to the dealer and when transported to a RV show. RVs present the states with an unusual situation in that they are neither designed to be commercial vehicles, nor operated as commercial vehicles after sale. Many states resist the administrative burden of implementing the federal over-wide permitting policy as it applies to RVs due to the limited time period and number of miles during which a RV is a CMV.

For the states and the RV industry, the cost of compliance exacts a heavy administrative toll. We therefore believe it to be in the interests of FHWA, the states, and industry to limit the administrative costs incurred by removing the federal requirement for states to issue overwide permits for commercial RVs.

Moreover, some of the confusion surrounding permitting and enforcement can cause political problems. For example, the Wyoming Highway Patrol began to aggressively enforce the federal overwidth permit requirement for CMV RVs. RV owners thought (in error) that the Patrol had begun to require permits for personal use RVs. As a result, RV users deluged Wyoming legislators/regulators with calls and letters of complaint. Major RV trade shows threatened to pull out of Wyoming due to consumer fear of traveling to the state. The concerns of consumers became so pronounced that Wyoming temporarily stopped enforcing the law for CMV RVs until the legislature could act. (see Attachment C).

Political concern with the current regulatory situation extends beyond the state level to the Halls of Congress. As noted in the NPRM, correspondence from then Chairman of the House Committee on Transportation and Infrastructure was submitted urging FHWA to consider exempting RV appurtenances from the width standards. Moreover, the Senate Appropriations Report accompanying the FY 2002 Department of Transportation Appropriations Act included language encouraging the FHWA to include a regulatory allowance for the transport of RVs.

#### b. **Overwide Permits Add to State and Industry Costs**

In addition to the administrative burden, the cost of continuing to secure permits on a case-by-case basis exacts a financial toll as well. Ultimately, the costs of securing these permits translates into a financial burden on the state and industry, and an increase in cost for consumers, yet serves no useful safety function.

c. An Exclusion for RV Appurtenances Does Not Threaten State Infrastructure Concerns

We note at the outset that state concerns exist with increasing traffic demands and infrastructure needs. In response to traffic congestion, some states have narrowed existing lanes. Excluding even the widest of RV appurtenances, the awning, from the maximum width requirements, will not harm these infrastructure concerns for two reasons:

i. Awnings are mounted high on the vehicle

Awning locations on the outside, top of the vehicle, 10 to 12 feet above the surface of the road, reduce most safety concerns.

ii. Awnings are located inside the exterior rear view mirrors

Similarly, retracted awnings extend up to 6 inches from the sides of the vehicle, but remain inside the exterior rear view mirrors thus reducing safety concerns.

d. There is No Evidence that RV Appurtenances Present a Safety Problem

Related to the infrastructure point above, statistics demonstrate that RV appurtenances do not pose a safety hazard. Recreation vehicles with shade awnings (the widest RV appurtenances) beyond the 102 inch limit are currently on the road with no evidence of individuals having difficulty operating the vehicles or creating safety problems.

In fact, 2001 nationwide Fatal Accident Reporting System (FARS) data indicates that only 101 motorhomes (no data available on unit width or awnings) were involved in a fatality. That awnings do not create a safety problem is evident from the low number of traffic fatalities. One must assume that an accident, if any, due to an awning would be a small subset of the FARS number. FARS data for travel trailers and RV fifth wheels is not available as a stand alone number. However, FARS data for a category that includes not only travel trailers and RV fifth wheels but also utility trailers, U-Haul type moving trailers, and horse trailers (vehicle types clearly not equipped with awnings) indicate a total of 337 such trailers (width unknown) were involved in a fatality.

e. The RV Industry is Small and the Number of RVs That Could Potentially Exceed 102 Inches Due to Incidental Appurtenances is Even Smaller

The RV industry is small. According to industry shipment data compiled by the RVIA for the last 10 years, annual industry shipments have never exceeded 321,200 total units. In 2001, the last year for which such data is available, of the

256,800 RVs shipped to dealers nationwide, only 213,200 were of the types or categories of RVs (i.e., Type A, Type C, travel trailer, fifth wheel trailer) which could potentially exceed 102 inches.

f. Making Awnings (the Widest RV Appurtenance) a Dealer Installed Option is Not Practical

While an awning could be designed to be removed during transit from the manufacturer to the dealer or shows, this would have a negligible effect on road safety because a RV is only a CMV for a few days and miles in its lifetime. The greater part of a RVs life is spent as a personal use vehicle and consumers are unlikely to remove awnings from RVs before traveling.

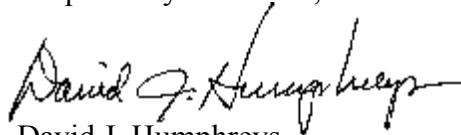
Awnings are standard manufacturer installed equipment. Dealer installations are possible, but not practical. Economies of scale and inventory control practicalities (there are thousands of awning models, sizes, colors, types of operating mechanisms, etc.) force awning installations on manufacturers. Moreover, since awning installations make holes in the RV and become an integral part of the RVs side walls, consumers prefer manufacturer installed and warranted awnings. This consumer preference is similar to car owners preferring manufacturer installed and warranted sunroofs over dealer installed and warranted sunroofs.

Further, recessed awnings are not practical because the framing alterations required to accommodate such an awning add significant weight and cost to the coach, take away interior living space which is at a premium and add unreasonable cost and weight to the awning support mechanisms.

4. **Conclusion**

To conclude, RVIA believes the FHWA's proposal to exclude RVs from consideration as a CMV is warranted by special factual circumstances and sound public policy. For the reasons articulated above, we respectfully request that the FHWA exemption be adopted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Humphreys", with a stylized flourish at the end.

David J. Humphreys  
President

## RV Types

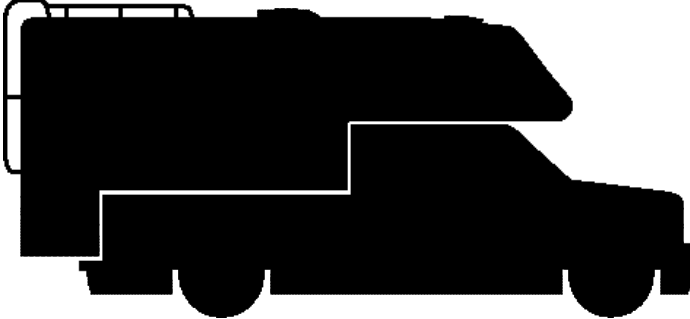
### Towables



Fifth Wheel Travel Trailer



Conventional Travel Trailer



Truck Camper

### Motorized



Conventional Motorhome  
(Type A)



Mini-Motorhome  
(Type C)

## **Attachment B**

### **STATE EXEMPTIONS FROM 102 inch WIDTH LIMITS FOR RV APPURTENANCES**

Arizona  
Colorado  
Florida  
Georgia  
Indiana  
Iowa  
Louisiana  
Massachusetts  
Michigan  
Minnesota  
Mississippi  
Missouri  
Nebraska  
New Mexico  
Ohio  
Oklahoma  
Oregon  
Pennsylvania  
South Carolina  
Tennessee  
Utah  
Vermont  
Virginia  
Wyoming



Attachment C

Attachment C



Jim Geringer, Governor  
Gene Roccabruna, P.E., Director


*Department of Transportation*

2300 BISHOP BOULEVARD (22003) P.O. BOX 1708 CHEYENNE, WYOMING 82003-1708

September 22, 1998

MEMORANDUM

TO: Col. John Cox, Administrator  
Wyoming Highway Patrol

FROM: Gene Roccabruna, P.E.   
Director

SUBJECT: Recreational Vehicle Overwidth Issue

Effective immediately, I am instituting a moratorium on enforcement of overwidth recreational vehicles in order to allow time for the legislative process to address the issue of appurtenances other than safety devices that are attached to these vehicles.

cc: Governor Jim Geringer